IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2081 OF 2001

Mohaparas Textiles & Ors. ..... Applicants

Versus

The State of Maharashtra ..... Respondent

Mr. N.R. Bubna for the Applicants

Mrs. M.M. Deshmukh, APP for the Respondent.

CORAM : A.S. OKA, J.

DATE : 5TH DECEMBER 2006

P.C.

1) Heard learned Advocate for the Applicants. By this application under Section 482 of The Code of Criminal Procedure, 1973, the Applicants have challenged the order passed by the learned Magistrate by which process was issued for offence punishable under Section 138 of The Negotiable Instruments Act, 1881 on the private complaint filed by the 2nd Respondent.

2) The Applicants have a remedy available of filing a revision application before the appropriate Court of Sessions for challenging the order of issuing

process.

3) Power under Section 482 of the said Code has to be exercised sparingly and in exceptional cases. In view of the law laid down by this court, no case is made out for interference in this Application. The Application is therefore rejected. All the contentions of the applicants on merits are kept open.

(A.S. OKA, J.)